

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Tyquan Fortune, )  
                      )  
Plaintiff,         )  
                      )  
vs.                 )  
                      )  
Reynaldo Meyers, Director; Milton Pope,    )  
County Commissioner; Assistant Dir.        )  
Harrell, Capt. William Refo; Capt. Michael   )  
Higgins; Capt. Redman; Capt. Bowman, ,    )  
                      )  
Defendants.        )  
\_\_\_\_\_  
)

**O R D E R**

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

No objections were filed to the Report and Recommendation. The [docket entry #43] Report and Recommendation was mailed to the plaintiff on December 9, 2008. The mail was returned to the court on December 24, 2008 [docket entry #45] marked "Mail Returned as Undeliverable." Plaintiff

has not provided the court with an updated address as requested by the Court's Order of June 5, 2008 [docket entry #9], and as a result, the court has no means of contacting him concerning his case. Plaintiff was warned and advised in the order to keep the Clerk apprised of his current address and that a failure to do so may result in a dismissal of the case. Accordingly, this case is due to be dismissed pursuant to Fed. R.Civ. Proc. 41(b). Furthermore, in the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Rogers' Report and Recommendation and incorporates it herein. It is therefore

**ORDERED** that the defendants' [38] Motion to Dismiss/Motion for Summary Judgment pursuant to Rule 41(b) of the Federal Rules of Civil Procedure is hereby **GRANTED**, and this action is dismissed with prejudice.

**IT IS SO ORDERED.**

s/ R. Bryan Harwell  
R. BRYAN HARWELL  
United States District Judge

Florence, South Carolina  
January 12, 2009